

## REMARKS

### Amendments to the Specification

Pursuant to 37 CFR 1.78(a) (4)-(5), the specification is amended to incorporate into the "Cross-Reference to Related Applications" the serial number of Provisional Application No. 60/357,945, filed February 19, 2002, previously identified as Attorney Docket No. 0232us310. A request for corrected filing receipt is being submitted under separate header.

### Amendments to the Claims

Claims 1-87 are canceled herein without prejudice to subsequent renewal or filing in a continuation or divisional application. Please note that Applicants reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications, and that claim amendments or cancelations should not to be construed as abandonment of any previously claimed subject matter.

New claims 88-108 are added herein and are pending with entry of this amendment. The new claims find support in the specification as filed and introduce no new matter. Support for new claim 88 is found, for example, at least in original claim 1 and in the specification on page 18 line 13 - page 19 line 22. Support for the term "exhibiting interferon  $\beta$  activity" is found, for example, on page 16 line 20 - page 17 line 8. Support for "differs from the wild-type human interferon  $\beta$  sequence SEQ ID NO:2 in no more than 15 amino acid residues" is found, for example, on page 17 lines 11-18 and page 33 lines 12-25. Support for new claims 89 and 90 is found, for example, at least on page 19 lines 24-31. Support for new claim 91 is found, for example, at least on page 44 line 20-page 45 line 22. Support for new claim 92 is found, for example, at least on page 19 lines 23-24. Support for new claim 93 is found, for example, at least on page 116 line 5 - page 117 line 19. Support for new claims 94 and 95 is found, for example, at least on page 49 line 18-page 50 line 2. Support for new claim 96 is found, for example, at least on page 22 line 23 - page 23 line 3. Support for new claim 97 is found, for example, at least on page 11 lines 24-25. Support for new claim 98 is found, for example, at least on page page 40 lines 21-24. Support for new claim 99 is found, for example, at least on page 72 lines 20-24 and page 74 lines 8-18. Support for new claim 100 is found, for example, at

least on page 63 lines 3-9. Support for new claims 101-105 is found, for example, at least on page 54 line 28-page 55 line 13, and page 63 line 1 – page 71 line 18. Support for new claims 106 and 107 is found, for example, at least on page 114 line 11 – page 115 line 11. Support for new claim 108 is found, for example, at least on page 18 line 13 – page 19 line 27, and Examples 17 and 18 on pages 110-113.

No Fee Required

This amendment cancels the 87 claims originally filed in this application. Owing to the presence of multiple dependent claims (for which the surcharge was paid), for fee calculation purposes, these amounted to 199 total claims, 11 independent.

This amendment introduces 21 new claims. Owing to the presence of a multiple dependent claim, for fee calculation purposes, these amount to 22 total claims, 7 independent.

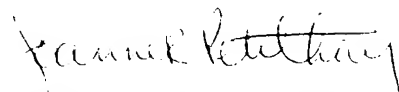
Therefore, it is believed no additional claim fees or any other fees are required for entry of this amendment. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0990. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

**CONCLUSION**

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

Respectfully submitted,

Maxygen, Inc.  
Intellectual Property Department  
515 Galveston Drive  
Redwood City, CA 94063  
Customer Number 30560

  
Joanne R. Petithory, Ph.D.  
Reg. No. 42,995

Phone: (650) 298-5452 (direct)  
(650) 298-5300 (main)  
Fax: (650) 298-5446